

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Appln. No.: 09/836,237  
Attorney Docket No.: Q64144

### **REMARKS**

Claims 1-4 and 6-11 are all the claims pending in the application. Claim 5 has been canceled. Claims 9-11 have been added. No new matter has been added.

### **Allowable Subject Matter**

Applicants thank the Examiner for indicating that claims 2, 3 and 5-8 would be allowable if rewritten in independent form. Applicants have included the subject matter of claim 5 in claim 4 and cancelled claim 5. Applicant have also added new independent claims 9-11 which include the subject matter of old claims 6-8 in independent form. Therefore, the subject matter of claims 5-8 that the Examiner has indicated as allowable has been rewritten in independent form in claims 4 and 9-11. Since the rejection of the base claim corresponding to claims 2 and 3 is believed to be overcome, Applicants have not placed these claims in independent form at this time.

### **Claim Rejection - 35 U.S.C. § 102**

Claims 1 and 4 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,245,599 (Ishii et al.). Applicants respectfully traverse this rejection in view of the following arguments.

Claim 1 are patentable over Ishii at least because Ishii fails to disclose each and every element of claims 1. Claim 1 sets forth a controller which changes the equalization characteristics of an equalizer in accordance with an amplitude of an envelope signal at a time when dropout is occurring. Ishii does not teach or suggest a controller which changes equalization characteristics in accordance with an amplitude of an envelope signal. Instead, Ishii

teaches using a processor (20) which judges whether to take measures against track jumping faults based on Q-data. It determines whether measures should be taken first by judging whether the Q-data is properly read and then by evaluating the highness of the frequency of the occurrence of anomalous Q data. (*See* Ishii 4:60-64; *also see* 7:20-22 which notes that the discussion of 4:60-64 is relevant to both embodiments of Ishii) The Ishii controller changes gain by a predetermined value in order to properly read out the Q-data and then performs step-by-step loop control of the gain based on whether the Q-data is properly read. (*See* Ishii 5:3-16, Steps S21-24, and Fig. 4B-1) In contrast, the controller of claim 1 changes equalizer characteristics in accordance with the amplitude of the envelope signal, and does so during the period of time that the dropout is occurring. This allows the device of claim 1 to perform stable high-precision control during the dropout even when the dropout continues for a long time. Since Ishii fails to teach or suggest every element of claim 1. Applicants respectfully request that the Examiner withdraw the rejection of claim 1 based on Ishii. Applicants also request that the Examiner withdraw the objection to claims 2 and 3 as being dependent upon a rejected base claim.

As discussed above, claim 4 has been amended to include the recitations of claim 5 and is therefore in allowable form.

#### **New claims**

New claims 9-11 have been added. As discussed above, these claims place subject matter indicated as allowable by the Examiner into independent form. Therefore, new claims 9-11 are allowable.

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Appln. No.: 09/836,237  
Attorney Docket No.: Q64144

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

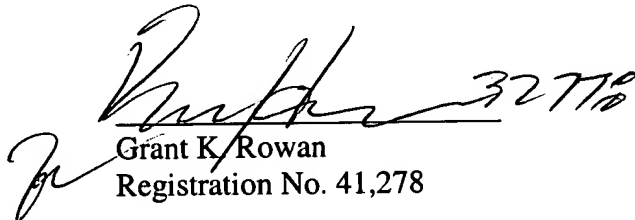
Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

  
Grant K. Rowan  
Registration No. 41,278

Date: December 3, 2004